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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,017	06/09/2000	Michael K. Templeton	D558	3492

7590 03/15/2002

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EXAMINER

PHAM, HOA Q

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,017

Applicant(s)

TEMPLETON ET AL.

Examiner

Hoa Q. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 9-11, 15, 17-19, 22, 23, 25, 26, 29-30, 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Blesener et al (5,121,988).

Regarding claims 1, 10, 29, 34, Blesener et al discloses a system for monitoring the particle count in a chamber (23), comprising: a system for sending light from the light source (110) across the chamber, a system (60) for receiving the light, and a system (102, 103, 108) for determining particle count based upon interruptions in the light being received by the receiving system. Figures 2, 3a, and 3b.

Regarding claims 5, 11, 23, see column 10, lines 58-69 for scattering system.

Regarding claims 9, see figure 2 for calibration threshold levels.

Regarding claims 10, 29, 34, see figure 2 for digital data (108) from the measuring system (100).

Regarding claims 15, a display is inherent in the system of Blesener et al.

Regarding claims 17-19, 22, 25, 30, Blesener et al teaches that the detection system is used for measuring the particles of aerosol flow moving through the inspection area (column 3 lines 35-52). Thus, exhaust fan communicating with the chamber and exhaust controller are inherent in the system.

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Regarding claims 26, 33, and 37, see figure 3 for mirrors 21a.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 6-8, 12-14, 16, 20-21, 24, 27-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blesener et al in view of Zinner (3,591,290).

Regarding claims 2, 3, Blesener et al does not explicitly teach the use of optical fibers for transmitting light or receiving light. However, such a feature is known in the art as taught by Zinner. Zinner, from the same field of endeavor, teaches that fiber optics arrays (16, 18) are used for transmitting and receiving light (figure 2). Those of ordinary skill in the art at the time the invention was made to include in Blesener et al an optics array as taught by Zinner for the purpose of transmitting light and receiving light. The rationale for this modification would have arisen from the fact that using such fibers would increase the signal to noise ratio.

Regarding claims 6-8, 12-14, 24, laser Doppler anemometry system, an interferometry system and spectrometry system are known in the art. It would have been obvious to include such systems in Blesener et al for the same purpose of detecting particles in a chamber because they are function in the same manner.

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Regarding claim 4, it would have been obvious to replace the fiber array of Zinner by a beam splitter for the purpose of splitting different light rays into the chamber.

Regarding claims 9, 16, 31, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include in Blesener et al an alarm indicator to alert the operator when the contaminated particle count exceed a predetermined threshold.

Regarding claims 21 and 28, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the basic device of Blesener et al for detecting particle in a cup because the device would function in the same manner.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Following references are relative to particle detecting system: Borden (4,739,177), Schumann (5,309,215), Munakata et al (4,827,143), Sommer (5,092,675), yufa (6,034,769), Herman (4,637,719).

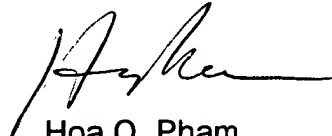
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (703) 308-4808. The examiner can normally be reached on 6:30 AM to 5 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (703) 308-4881. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Hoa Q. Pham
Primary Examiner
Art Unit 2877

HP
March 11, 2002